

THURSDAY, APRIL 4, 1985

THIRTY-FIRST LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Mr. Speaker McWherter.

The proceedings were opened with prayer by Dr. Robert Kelley, Pastor, Franklin Road Baptist Church, Murfreesboro, Tennessee.

Representative Hobbs led the House in the Pledge of Allegiance to the Flag.

The roll call was taken with the following results:

Present . . . . . 94

Representatives present were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter --94.

The Speaker announced that Representative Gafford was excused because of business.

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**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to return to the House, House Bills Nos.:

1051--To regulate Community Economic Development Commission, Jackson;

1054--To levy tax on lodgings, Gibson County;

1055--To provide for charter, Bradford;

1056--To increase compensation, Mayor and Aldermen, Milan;

1057--To establish City Court, Milan; all substituted for Senate Bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos.:

84--To establish a statewide genetics program;

235--To regulate Department of Personnel;

483--To regulate collection, student loans;

739--To regulate holding time, transfer scrap jewelry;

957--To regulate legislative oversight;

1032--To regulate property tax collections, Bells;

1040--To regulate certain funds, Madison County Board of County Commissioners; all passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolutions Nos.:

71--Relative to confirming appointment, John W. "Johnny" Bellis, Jr.;

72--Relative to confirming appointment, Norma Crow;

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73--Relative to confirming appointment, Charles E. Peavyhouse;

87--Relative to commending Juanita C. Griggs;

88--Relative to honoring Police Chief Arnold Botts;

89--Relative to honoring the Reverend Alfred DeWayne Hill;

102--Relative to congratulating Coach Marynell Meadors and Tennessee Tech Golden Eaglettes;

103--Relative to commending Tennessee Tech's Golden Eagles basketball team;

104--Relative to honoring Tennessee Tech Coach Tom Deaton; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos. 10 and 791; both for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**ENROLLED BILLS**

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills Nos. 152, 510, 800, 823 and 882; and House Joint Resolutions Nos. 179, 181 and 182; and find same correctly enrolled and ready for the signatures of the Speakers.

MARILYN EVELYN HAND,  
Chief Engrossing Clerk.

**SIGNED**

The Speaker announced that he had signed the following: House Bills Nos. 152, 510, 800, 823 and 882; House Joint Resolutions Nos. 179, 181 and 182; and Senate Bills Nos. 10 and 791.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to return to the House, House Bills Nos.:

10--To make certain provisions, alcohol content measurement;

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464--To prohibit use of inmates, certain types of labor; both substituted for Senate Bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to return to the House, House Bills Nos.:

656--To regulate community grant fund;

903--To provide for fee-free courses, certain colleges; both substituted for Senate Bills on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution No.:

196--Relative to congratulating McEwen High School girls' basketball team; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to return to the House, House Bills Nos.:

37--To regulate distribution of alcoholic beverages;

613--To regulate process for purging certain voters;

653--To provide alternative methods, municipal recreation systems;

829--To expand Sequatchie Valley Planning and Development Agency; all substituted for Senate Bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to return to the House, House Joint

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### Resolution No.:

200--Relative to honoring Most Reverend James Oglethorpe Patterson; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

### CALENDAR

Mr. Clark (Davidson) moved that House Bill No. 669 be placed on the Calendar for Thursday, April 18, 1985, which motion prevailed.

Mr. Tanner moved that House Bill No. 756 be placed on the Calendar for Thursday, April 18, 1985, which motion prevailed.

House Bill No. 537--To amend Application of Pesticides Act.

On motion, House Bill No. 537 was made to conform with Senate Bill No. 811.

On motion, Senate Bill No. 811, on same subject, was substituted for House Bill No. 537.

Mr. Napier moved that Senate Bill No. 811 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . .	96
Noes . . . . .	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter --99.

A motion to reconsider was tabled.

Mr. Davidson moved that Senate Bill No. 594 be placed on the Calendar for Monday, April 8, 1985, which motion prevailed.

Mr. Cobb moved that House Bill No. 542 be placed on the Calendar for Thursday, April 11, 1985, which motion prevailed.

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**FURTHER CONSIDERATION OF HOUSE BILL NO. 566**

House Bill No. 566--To remove exemptions, child passenger restraint requirement.

Ms. Turner (Hamilton) moved that House Bill No. 566 be passed on third and final consideration.

Mr. Davis (Gibson) moved that the Amendment No. 3 be adopted.

Ms. Turner (Hamilton) moved that the amendment No. 3 be tabled, which motion prevailed by the following vote:

Ayes . . . . .	67
Noes . . . . .	25
Present and not voting . . . . .	1

Representatives voting aye were: Bell, Bivens, Bragg, Burnett, Byrd, Clark (Davidson), Clark (Sumner), Cobb, Collier, Covington, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Drew, Duer, Ellis, Gaia, Garrett, Gill, Hassell, Hillis, Hurley, Huskey, Jared, Kent, Kernell, King, Kisber, Lawson, Love, May, McCroskey, McNally, Miller, Murphy, Murray, Naifeh, Napier, Peroulas, Phillips, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Wix, Wood, Work, Yelton and Mr. Speaker McWherter--67.

Representatives voting no were: Bewley, Brewer, Buck, Chiles, Crain, Davis (Gibson), Davis (Knox), DeBerry, Dills, Dixon, Harrill, Hobbs, Ivy, Jones, McAfee, Montgomery, Moody, Moore (Shelby), Nance Ridgeway, Shirley, Stafford, Turner, L. (Shelby), Winningham, and Wolfe--25.

Representative present and not voting was: Frensley--1.

Thereupon, House Bill No. 566, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	74
Noes . . . . .	18
Present and not voting . . . . .	4

Representatives voting aye were: Bell, Bivens, Bragg, Buck, Burnett, Byrd, Clark (Davidson), Clark (Sumner), Cobb, Collier, Covington, Cross, Curlee, Darnell, Davidson, Davis (Cocke), DePriest, Drew, Duer, Ellis, Gaia, Garrett, Gill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Jared, Kent, Kernell, King, Kisber, Lawson, Love, May, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Sullivan), Murphy, Murray, Naifeh, Napier, Peroulas, Phillips, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway,

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Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Work, Yelton and Mr. Speaker McWherter--74.

Representatives voting no were: Bewley, Chiles, Copeland, Crain, Davis (Gibson), Davis (Knox), Dixon, Harrill, Ivy, McAfee, Moore (Shelby), Nance, Pruitt, Rhinehart, Ridgeway, Shirley, Stafford and Wood--18.

Representatives present and not voting were: DeBerry, Frensley, Jones and Turner, L. (Shelby)--4.

A motion to reconsider was tabled.

Mr. Speaker McWherter relinquished the Chair to Mr. Bivens, Speaker pro tem.

**FURTHER CONSIDERATION OF SENATE BILL NO. 613**

Senate Bill No. 613--To provide certain exemptions, public transportation systems.

Ms. Hassell moved that Senate Bill No. 613 be passed on third and final consideration.

On motion, Amendment No. 1 was adopted.

Thereupon, Senate Bill No. 613, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	91
Noes . . . . .	4

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stallings, Starnes, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--91.

Representatives voting no were: Chiles, Dills, Stafford and Swann--4.

A motion to reconsider was tabled.

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Mr. McNally moved that Senate Bill No. 837 be placed on the Calendar for Thursday, April 11, 1985, which motion prevailed.

Senate Bill No. 838--To regulate funds allocated, state-aid highway system.

Mr. McNally moved that Senate Bill No. 838 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . .	97
Noes . . . . .	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--97.

A motion to reconsider was tabled.

House Bill No. 972--To make certain provisions, savings institutions.

Mr. Burnett moved that House Bill No. 972 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . .	93
Noes . . . . .	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Duer, Ellis, Frensley, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--93.

A motion to reconsider was tabled.

House Bill No. 567--To permit certain records be maintained on computer.

On motion, House Bill No. 567 was made to conform with Senate Bill No. 713.

On motion, Senate Bill No. 713, on same subject, was substituted for House Bill No. 567.

Mr. Ussery moved that Senate Bill No. 713 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . .	95
Noes . . . . .	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Duer, Ellis, Frensley, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter --95.

A motion to reconsider was tabled.

Mr. West moved that House Bill No. 697 be placed on the Calendar for Monday, April 8, 1985, which motion prevailed.

House Bill No. 710--To enact Agriculture Commodities Promotion Act.

Mr. Davis (Gibson) moved that House Bill No. 710 be passed on third and final consideration.

Mr. DePriest moved to amend as follows:

#### AMENDMENT NO. 1

Amend House Bill No. 710 by deleting Sections 1 through 26 in their entirety and by substituting the following new sections:

SECTION 1. This act shall be known and may be cited as the "Agriculture Commodities Promotion Act".

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**SECTION 2.** It is declared by the general assembly of the state of Tennessee to be in the interest of the public welfare that Tennessee farmers who are producers of agriculture commodities shall be permitted and encouraged to act jointly and in cooperation with all purchasers, handlers, dealers, and processors of such products in promoting by advertising, research and other methods, the increased production, use and sale, both domestic and foreign, of any and all agricultural commodities.

It is further declared by the general assembly that this act is permissive by allowing producers of each separate agricultural commodity to form separate and independent commodity promotion boards under the provisions of this act and that each such board shall operate its own separate and independent assessment program.

**SECTION 3.** As used in this act, unless the context otherwise requires:

(1) "Commissioner" means the commissioner of the department of agriculture;

(2) "Commodity" means beef, pork and eggs, produced on a commercial basis.

(3) "Department" means the department of agriculture;

(4) "Producer" means any person who produces a commodity and thereafter causes the commodity to be marketed;

(5) "Person" means any individual, corporation, partnership, association, cooperative or other business;

(6) "Qualified producer organization" means any agricultural organization, federation, or association which is organized as a "not for profit" organization under the laws of the state of Tennessee whose membership is fairly representative of farmers who are active producers of one (1) or more agricultural commodities covered under the provisions of this act;

(7) "Processor" means any person engaged in the business of processing commodity products;

(8) "Purchaser" means any dealer or processor who purchases or receives such commodity from producers on a commercial basis;

(9) "Egg handler" or "egg dealer" means any person engaged as a wholesale distributor in the business of distributing or marketing eggs in Tennessee regardless of where the eggs are produced;

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(10) "Egg" means a pullet egg or a hen egg and excludes all other types of egg;

(11) "Case of eggs" means a standard thirty (30) dozen egg case;

(12) "Referendum" means any voting procedure under which affected producers may, by secret ballot, vote for or against an assessment authorized by this act; and

(13) "Vote" means to cast a ballot on a referendum.

SECTION 4. No association, meeting or activity undertaken pursuant to the provisions of this act intended to benefit all the producers, handlers and processors of commodity products shall be illegal or in restraint of trade.

SECTION 5. It is hereby further declared to be in the public interest and highly advantageous to agricultural economy of the state that producers of beef, pork and eggs on a commercial basis shall be permitted, by referendum to be among such respective producers and subject to provisions of this act, levy upon themselves an assessment on such products and provide for the collection of the assessment, for the purpose of financing or contributing towards the financing of a program of promotion, advertising and research designed to increase the consumption, use and sale of agricultural commodities in domestic as well as foreign markets.

SECTION 6. Any qualified producer organization may make application to the commissioner requesting a referendum of producers on forms prescribed by the commissioner for the purpose of determining whether an assessment of a specified amount can be levied, collected and dispersed under the provisions of this act, or whether a prior assessment should be amended or terminated. The application shall state the amount of the assessment which is to be proposed in the referendum and a brief statement of the purposes for which the funds collected are proposed to be spent.

SECTION 7. Within thirty (30) days of receipt of an application requesting a referendum the commissioner shall make a determination of whether or not the petitioner is a qualified producer organization and upon such determination shall set a date for the referendum, which shall not be more than sixty (60) days after receipt of the application, and shall publish by any reasonable means, the date of the referendum, the polling places and the hours they will be open, the amount of the proposed assessment, and the date the assessment shall begin, if adopted.

**SECTION 8.**

(a) Any referendum held under the provisions of this act shall be conducted statewide, under the control and

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direction of the commissioner. The polling place in each county shall be the offices of the University of Tennessee agriculture extension service. All ballots shall be provided at the polling place. All voting shall be by secret ballot.

(b) Each person seeking to vote in the referendum shall be required to file an affidavit stating that he is a producer as defined in Section 2 of this act. Upon signing an affidavit, such person shall be eligible to vote. The question to be decided at the first referendum shall be in the following form:

Shall the producers of \_\_\_\_\_ assess themselves at the rate of \_\_\_\_\_ cents per \_\_\_\_\_ of \_\_\_\_\_ sold, and use the funds so collected by the department of agriculture and paid over to the Tennessee \_\_\_\_\_ promotion board to finance a program of research, education, market development, marketing, advertising and other methods designed to promote the increased production, consumption, use and sale of \_\_\_\_\_ products.

The affirmative vote of the majority of the number of votes cast shall adopt the proposed assessment.

(c) Within ten (10) days after the referendum the commissioner shall canvass the votes and publicly announce the result of the referendum.

(d) The expenses of a referendum held under this act shall be paid by the department until an assessment is levied. Expenses of subsequent referendums shall be paid from the promotion funds collected under provisions of this act.

(e) No referendum pursuant to this act shall be held within one (1) year of any preceding referendum for that particular commodity except as provided in Section 12 of this act.

**SECTION 9.** The assessed rate as approved by referendum shall be deducted by the purchaser from the amount paid to the producer at the first point of sale. Within ten (10) days after the end of each calendar month each purchaser shall submit to the department the total amount of funds withheld from producers. On or before the twentieth (20th) day of January, April, July and October of each year the commissioner shall pay to the promotion board for that particular commodity all proceeds collected less refunds and less an amount not to exceed five percent (5%) of the gross amount collected or a sum sufficient to cover all of the

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department's expenses of collection, whichever is less, together with a report of all funds collected and dispersed.

**SECTION 10.** Each purchaser shall keep a complete and accurate record of commodities handled by him and shall furnish each producer with a signed sales slip showing the amount of commodities purchased from him and the amount deducted by the purchaser for the promotion fund. Such records shall be kept for two (2) years and shall be open to inspection at any time and without notice by the commissioner or his representative. The commissioner may from time to time require a purchaser to submit records and reports necessary for collection of the assessment.

**SECTION 11.** Within ninety (90) days of an assessment being withheld by the purchaser, any producer may make application to the commissioner, on forms to be prescribed by the commissioner, for refund of assessments withheld. Such application shall be accompanied by copies of sales slips evidencing the withheld assessment for which the refund is sought.

**SECTION 12.** If the commissioner determines that during any continuous twelve (12) month period the assessment program is in effect that over thirty percent (30%) of the proceeds generated by the assessment is being refunded, then the commissioner shall conduct a referendum within one hundred twenty (120) days to determine whether such assessment program should remain in effect.

**SECTION 13.** If a referendum is carried in the affirmative and an assessment is to be levied as provided in this act, a promotion board shall be established according to the provisions set out in this act for each particular commodity.

**SECTION 14.** Members of each board shall meet and organize within thirty (30) days of their appointment and shall elect a chairman, a vice-chairman and a secretary-treasurer from the membership of the board, each to serve for a one (1) year term. The duties and responsibilities of the board shall be prescribed by the commissioner to the extent applicable and shall include the following:

1. Developing and recommending to the commissioner administrative rules and procedures relating to the assessments;
2. Preparing and effectuating the estimated budget required for the proper operation of the board;
3. Developing methods for assessing producers and methods for collecting the necessary funds;
4. Collecting and assembling information necessary for the proper administration of the assessment program; and

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5. Performing any other duties necessary to the operation of the promotion program in coordination with the commissioner.

**SECTION 15.**

(a) A commodity promotion board shall spend the proceeds of an assessment solely to finance a program of research, education, market development, marketing and advertising designed to promote the increased consumption, production, use and sale of agricultural commodities. The members of a commodity promotion board shall not be compensated but shall be reimbursed travel expenses in accordance with the provisions of the comprehensive travel regulations promulgated by the commissioner of finance and administration and approved by the attorney general and reporter. The board may accept gifts and grants and shall invest any idle funds.

(b) A commodity promotion board shall not spend its funds in any manner for political purposes or to influence any legislative action or rulemaking process, either state or federal, or to fund the organizational or membership activities of any group, association or organization. An annual report of its activities shall be filed each January with the commissioner.

**SECTION 16.** Any amount withheld, or which should have been withheld, by the purchaser due to an assessment shall be a personal debt of the purchaser. If the purchaser's monthly payments to the commissioner are not timely made, a penalty of ten percent (10%) of the amount due shall be imposed. The commissioner may bring a civil action against the purchaser for collection of the debt and the above specified ten percent (10%) penalty.

**SECTION 17.** The commissioner is authorized to promulgate rules and regulations in accordance with provisions of Tennessee Code Annotated, Title 4, Chapter 5, to provide for the implementation of this act.

**SECTION 18.** The Tennessee beef promotion board shall be composed of nine (9) members to be appointed by the commissioner to serve for terms of three (3) years, as hereinafter provided. All nine (9) members of the board shall be producers of beef animals in the state of Tennessee. Within ten (10) days of the effective date of assessment levied pursuant to this act the Tennessee farm bureau federation, the Tennessee livestock association or its successor organization, the Tennessee livestock auction market association and any officially recognized purebred beef cattle producer association shall submit the names of beef producers to the commissioner and he shall appoint three (3) members from the nominations submitted by the

Tennessee farm bureau federation, three (3) members from the nominations submitted by the Tennessee livestock association or its successor organization, one (1) member from the nominations submitted by the Tennessee livestock auction market association, and two (2) members from the nominations submitted by the officially recognized purebred beef cattle producer associations. The original board shall be appointed with members appointed in the discretion of the commissioner, three (3) members for one (1) year, three (3) members for two (2) years and three (3) members for three (3) years. Each year thereafter, not less than thirty (30) days before the expiration of terms of expiring board members, each organization shall submit the names of nominees to the commissioner and succeeding boards shall be appointed by the commissioner in the same manner, giving proportional representation to each organization as provided in this section. Vacancies which occur shall be filled in the same manner as the original appointments were made. No board member shall serve more than a total of two (2) consecutive three (3) year terms unless he does not serve as a board member for at least one (1) full year after serving two (2) consecutive three (3) year terms. The commissioner shall be an ex-officio non-voting member of the board.

**SECTION 19.** The Tennessee pork promotion board shall be composed of seven (7) members to be appointed by the commissioner to serve terms of three (3) years, as hereinafter provided. All seven (7) members of the board shall be producers of pork animals in the state of Tennessee. Within ten (10) days of the effective date of an assessment levied pursuant to this act the Tennessee farm bureau federation, the Tennessee livestock association or its successor organization and any officially recognized purebred pork producer association shall submit the names of pork producers to the commissioner, and he shall appoint three (3) members from the nominations submitted by the Tennessee farm bureau federation, three (3) members from the nominations submitted by the Tennessee livestock association or its successor organization and one (1) member from the nominations submitted by officially recognized purebred pork producer associations. The original board shall be appointed with members appointed in the discretion of the commissioner, one (1) member for one (1) year, three (3) members for two (2) years and three (3) members for three (3) years. Each year thereafter, not less than thirty (30) days before the expiration of terms of expiring board members, each organization or individual shall submit the names of nominees to the commissioner and succeeding boards shall be appointed by the commissioner in the same manner, giving proportional representation to each organization as provided in this section. Vacancies which occur shall be filled in the same manner as the original appointments were made. No board member shall serve more than a total of two (2) consecutive three (3) year terms unless he does not serve as a board member for at least one (1) full year after serving two (2) consecutive three

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(3) year terms. The commissioner shall be an ex-officio non-voting member of the board.

**SECTION 20.**

(a) The Tennessee egg promotion board shall be composed of five (5) members to be appointed by the commissioner to serve terms of three (3) years, as hereinafter provided. All five (5) members of the board shall be producers of eggs. Within ten (10) days after the effective date of an assessment levied pursuant to this act the Tennessee farm bureau federation, the Tennessee egg and poultry association and any egg producers and any agricultural organization with an interest in eggs may submit the names of egg producers to the commissioner and he shall appoint one (1) member from the nominations submitted by the Tennessee farm bureau federation, three (3) members from the nominations submitted by the Tennessee egg and poultry association and one (1) member from the other nominations submitted. The original board shall be appointed with members appointed in the discretion of the commissioner, one (1) member for one (1) year, two (2) members for two (2) years and two (2) members for three (3) years. Each year thereafter, not less than thirty (30) days before the expiration of terms of expiring board members, any individual organization as stated above may submit names of nominees to the commissioner and succeeding board members shall be appointed by the commissioner. Vacancies shall be filled in the same manner as the original appointments were made. The commissioner shall be an ex-officio non-voting member of the board.

(b) At the time of first sale, the producer shall provide evidence that all assessments provided for under this act have been paid. If the first sale is made to an egg handler or egg dealer, the egg handler or egg dealer shall deduct the assessment owed from the amount paid to the producer.

**SECTION 21.** This act shall take effect on July 1, 1985, the public welfare requiring it.

On motion, the amendment was adopted.

Thereupon, House Bill No. 710, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	96
Noes . . . . .	0
Present and not voting . . . . .	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner),

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Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--96.

Representative present and not voting was: Lawson--1.

A motion to reconsider was tabled.

Mr. West moved that House Bill No. 523 be placed on the Calendar for Monday, April 8, 1985, which motion prevailed.

Ms. Robinson (Washington) moved that House Bill No. 631 be placed on the Calendar for Monday, April 8, 1985, which motion prevailed.

House Bill No. 627--To make certain provisions, illegal parking.

On motion, House Bill No. 627 was made to conform with Senate Bill No. 670.

On motion, Senate Bill No. 670, on same subject, was substituted for House Bill No. 627.

Mr. Kent moved that Senate Bill No. 670 be passed on third and final consideration.

Mr. Speaker pro tem relinquished the Chair to Ms. DeBerry, Speaker pro tem.

Mr. Robinson (Davidson) moved to amend as follows:

### **AMENDMENT NO. 1**

Amend Senate Bill No. 670 by adding the following language to the end of the amendatory language of Section 1:

If the owner fails to provide such information within the thirty day period, then the owner shall become personally liable for the violation.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 670, as amended, passed its third and final consideration by the following vote:

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Ayes . . . . . 97  
Noes . . . . . 0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Williams, Winingham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--97.

A motion to reconsider was tabled.

Mr. Speaker pro tem Bivens resumed the Chair.

House Bill No. 787--To amend Section 56-4-101, Code.

On motion, House Bill No. 787 was made to conform with Senate Bill No. 778.

On motion, Senate Bill No. 778, on same subject, was substituted for House Bill No. 787.

Mr. Bivens moved that Senate Bill No. 778 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . . 97  
Noes . . . . . 0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Williams, Winingham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--97.

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A motion to reconsider was tabled.

House Bill No. 211--To define offense of aggravated assault.

On motion, House Bill No. 211 was made to conform with Senate Bill No. 220.

On motion, Senate Bill No. 220, on same subject, was substituted for House Bill No. 211.

Mr. King moved that Senate Bill No. 220 be placed on the Calendar for Thursday, April 11, 1985, which motion prevailed.

House Joint Resolution No. 105--Relative to expanding Select Committee Veterans Affairs.

Mr. Hillis moved that House Joint Resolution No. 105 be adopted, which motion prevailed by the following vote:

Ayes . . . . .	94
Noes . . . . .	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Ellis, Frensley, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--94.

A motion to reconsider was tabled.

House Bill No. 358--To change effective dates, certain licenses and registrations.

On motion, House Bill No. 358 was made to conform with Senate Bill No. 78.

On motion, Senate Bill No. 78, on same subject, was substituted for House Bill No. 358.

Mr. Tankersley moved that Senate Bill No. 78 be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes . . . . . 96  
Noes . . . . . 0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--96.

A motion to reconsider was tabled.

House Bill No. 617--To amend Part I of Chapter 11, Title 68, Code.

Mr. McNally moved that House Bill No. 617 be passed on third and final consideration.

Mr. Starnes moved to amend as follows:

**AMENDMENT NO. 1**

Amend House Bill No. 617 by deleting Section 1 in its entirety and renumbering the subsequent sections accordingly;

And further amend by deleting the following words and punctuation in Section 2.

"and by deleting from the penultimate sentence of subsection (11) of said section the words "or physicians office",".

On motion, the amendment was adopted.

Thereupon, House Bill No. 617, as amended, passed its third and final consideration by the following vote:

Ayes . . . . . 97  
Noes . . . . . 0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett,

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Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--97.

A motion to reconsider was tabled.

House Bill No. 484--To allow public accountants to audit certain agencies.

Mr. Tanner moved that House Bill No. 484 be passed on third and final consideration.

Mr. Miller moved to amend as follows:

**AMENDMENT NO. 1**

Amend House Bill No. 484 by deleting the directory and amendatory language of Section 1 of the bill in its entirety and by substituting instead the following:

**SECTION 1.** Tennessee Code Annotated, Section 13-26-106(a) is amended by deleting the present language of the subsection in its entirety and by substituting instead the following:

(a) Each governing board operating under the provision of this chapter shall prepare an annual report of its activities, including financial statements, through June 30 of each year, and submit a copy of such report to the governor and the general assembly, and the commissioner of finance and administration. The annual report, including financial statements, and all books of account and financial records shall be subject to annual audit by the comptroller of the treasury. A human resource agency may, with the prior approval of the comptroller, engage licensed independent public accountants to perform the audits. The audit contract between the human resource agency and the independent public accountant shall be on contract forms prescribed by the comptroller of the treasury. The human resource agency shall be responsible for reimbursement of the costs of audits prepared by the comptroller and the payment of fees for audits prepared by licensed independent public accountants. Audits and working papers prepared by independent public accountants shall be reviewed and approved by the comptroller prior to payment. Copies of such audits shall be provided to each member of the board

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and the comptroller of the treasury and shall be made available to the press.

On motion, the amendment was adopted.

Thereupon, House Bill No. 484, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	90
Noes . . . . .	4
Present and not voting . . . . .	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Webb, West, Wheeler, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--90.

Representatives voting no were: Lawson, Rhinehart, Severance and Wolfe--4.

Representative present and not voting was: Crain--1.

A motion to reconsider was tabled.

House Bill No. 472--To provide grants, wastewater treatment works.

On motion, House Bill No. 472 was made to conform with Senate Bill No. 970.

On motion, Senate Bill No. 970, on same subject, was substituted for House Bill No. 472.

Mr. Hillis moved that Senate Bill No. 970 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . .	97
Noes . . . . .	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry,

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DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--97.

A motion to reconsider was tabled.

House Bill No. 351--To make certain provisions, wills.

Mr. Turner, C. (Shelby) moved that House Bill No. 351 be passed on third and final consideration.

Mr. Turner, C. (Shelby) moved to amend as follows:

### AMENDMENT NO. 1

Amend House Bill No. 351 by deleting from the amendatory language of Section 2 the words and figure "two (2) years from the entry of the order of probate of the will or before the entry of the order to close the estate, whichever is longest" and substituting instead the words and figure "two (2) years from entry of the order to close the estate".

On motion, the amendment was adopted.

Thereupon, House Bill No. 351, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	96
Noes . . . . .	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--96.

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A motion to reconsider was tabled.

Mr. Severance moved that Senate Joint Resolution No. 81 be placed on the Calendar for Tuesday, May 2, 1985, which motion prevailed.

House Bill No. 857--To regulate sale of alcoholic beverages, airports.

Ms. Moore (Sullivan) moved that House Bill No. 857 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . .	59
Noes . . . . .	31
Present and not voting . . . . .	5

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Chiles, Clark (Davidson), Cobb, Collier, Covington, Darnell, DeBerry, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Gill, Hassell, Hillis, Jared, Jones, Kernell, King, Kisber, Love, May, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Peroulas, Phillips, Pruitt, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Starnes, Tanner, Turner, B. (Hamilton), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Yelton and Mr. Speaker McWherter--59.

Representatives voting no were: Byrd, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Dills, Harrill, Henry, Hobbs, Hurley, Huskey, Ivy, Lawson, McAfee, Nance, Napier, Rhinehart, Ridgeway, Shirley, Stafford, Stallings, Tankersley, Treadway, Turner, C. (Shelby), Winningham, Wix, Wolfe, Wood and Work--31.

Representatives present and not voting were: Clark (Sumner), Davis (Knox), Kent, Swann and Williams--5.

A motion to reconsider was tabled.

### CONSENT CALENDAR

#### OBJECTIONS

Objections were filed to the following bills and resolutions on the Consent Calendar:

Mr. Copeland objected to House Bill No. 64.

Mr. Burnett objected to House Bill No. 45.

Under the rules, House Bills Nos. 45 and 64 were placed at the foot of the Calendar for Monday, April 8, 1985.

House Bill No. 163--To continue building finance commission.

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On motion, House Bill No. 163 was made to conform with Senate Bill No. 237.

On motion, Senate Bill No. 237, on same subject, was substituted for House Bill No. 163.

House Bill No. 1048--To provide for collection of property taxes, Bells.

On motion, House Bill No. 1048 was made to conform with Senate Bill No. 1032.

On motion, Senate Bill No. 1032, on same subject, was substituted for House Bill No. 1048.

House Bill No. 1058--To amend Chapter 159, Private Acts, 1979.

House Bill No. 1061--To provide for funds, Juvenile Court Services, Madison County.

On motion, House Bill No. 1061 was made to conform with Senate Bill No. 1040.

On motion, Senate Bill No. 1040, on same subject, was substituted for House Bill No. 1061.

House Joint Resolution No. 127--Relative to designating certain bridge, Hamblen County.

House Joint Resolution No. 128--Relative to designating certain bridge, Greene County.

House Joint Resolution No. 205--Relative to congratulating Austin East High School boys' basketball team.

House Joint Resolution No. 206--Relative to honoring Coach John B. Foster.

House Joint Resolution No. 207--Relative to honoring Jane Eaton.

House Joint Resolution No. 208--Relative to honoring Willilam David Swanner.

House Joint Resolution No. 209--Relative to congratulating Bartlett High School boys' basketball team.

House Joint Resolution No. 210--Relative to commending Susan R. Roth.

House Joint Resolution No. 211--Relative to congratulating Rhea County High School boys basketball team.

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House Joint Resolution No. 213--Relative to congratulating Karns High School boys' basketball team.

House Joint Resolution No. 214--Relative to congratulating Unicoi County High boys' basketball team.

House Joint Resolution No. 215--Relative to congratulating Unicoi County High School girls' basketball team.

House Joint Resolution No. 216--Relative to memorializing John L. Rucker.

House Joint Resolution No. 217--Relative to proclaiming "Tennessee Childrens' Week".

House Joint Resolution No. 218--Relative to commending students, Green Elementary School.

Mr. Gill moved that all House and Senate Bills on the Consent Calendar be passed on third and final consideration, and all House Joint Resolutions on the Consent Calendar be adopted, which motion prevailed by the following vote:

Ayes . . . . .	97
Noes . . . . .	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Williams, Wingham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--97.

A motion to reconsider was tabled.

### HOUSE BILL ON SENATE AMENDMENT

House Bill No. 392--To create Capitol State Council, Vocational Technical Education.

### SENATE AMENDMENT NO. 1

Amend House Bill No. 392 by inserting the following language as a

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new section immediately preceding Section 4 and by appropriately renumbering subsequent sections:

**SECTION \_\_\_\_.**

(a) Tennessee Code Annotated, Title 4, Chapter 29, Part 2, is amended by adding the following as a new, appropriately designated section:

The following governmental entities shall terminate on June 30, 1991:

( ) Tennessee council for vocational-technical education, created by Section 1 of this act.

Any governmental entity which has been terminated under this section may be continued, re-established, or restructured in accordance with this chapter.

(b) Tennessee Code Annotated, Section 4-29-207, is amended by deleting item (43).

Mr. Starnes moved that the House concur in Senate Amendment No. 1, which motion prevailed by the following vote:

Ayes . . . . .	97
Noes . . . . .	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--97.

A motion to reconsider was tabled.

**NOTICE PURSUANT TO RULE NO. 58**

Pursuant to Rule No. 58, sponsors gave notice of their intentions to consider the following measures from the Senate on Monday, April 8, 1985:

House Bill No. 494--Murphy

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House Bill No. 516--Cobb

**MESSAGE FROM THE SENATE**

**MR. SPEAKER:** I am directed to return Senate Joint Resolution No. 36, as requested.

**CLYDE W. McCULLOUGH, JR.,**  
Chief Clerk.

**SECOND ROLL CALL**

A roll call was taken with the following results:

Present . . . . . 97

Representatives present were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Duer, Ellis, Frensley, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winingham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--97.

Mr. Jared moved that the rules be suspended for the purpose of considering Senate Joint Resolution No. 102 out of order, which motion prevailed.

Senate Joint Resolution No. 102--Relative to congratulating Coach Marynell Meadors and Tennessee Tech Golden Eaglettes.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Jared, the resolution was concurred in.

A motion to reconsider was tabled.

Mr. Jared moved that the rules be suspended for the purpose of considering Senate Joint Resolution No. 103 out of order, which motion prevailed.

Senate Joint Resolution No. 103--Relative to commending Tennessee Tech's Golden Eagles basketball team.

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On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Jared, the resolution was concurred in.

A motion to reconsider was tabled.

Mr. Jared moved that the rules be suspended for the purpose of considering Senate Joint Resolution No. 104 out of order, which motion prevailed.

Senate Joint Resolution No. 104--Relative to honoring Tennessee Tech Coach Tom Deaton.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Jared, the resolution was concurred in.

A motion to reconsider was tabled.

Mr. West moved that the rules be suspended for the purpose of considering Senate Joint Resolution No. 90 out of order, which motion prevailed.

Senate Joint Resolution No. 90--Relative to commending Malone and Hyde, Inc.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. West, the resolution was concurred in.

A motion to reconsider was tabled.

### **INTRODUCTION OF RESOLUTIONS**

House Joint Resolution No. 219--Relative to congratulating Lebanon High School boys' basketball team--By Bell.

Under the rules, House Joint Resolution No. 219 was referred to the Committee on Calendar and Rules

House Joint Resolution No. 220--Relative to congratulating Swanson, Incorporated--By Hobbs and Bragg.

Under the rules, House Joint Resolution No. 220 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 221--Relative to congratulating Union City High School Band--By Tanner.

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Under the rules, House Joint Resolution No. 221 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 222--Relative to addressing Reelfoot Task Force membership--By Tanner.

The Speaker referred House Joint Resolution No. 222 to the Committee on Conservation and Environment.

House Joint Resolution No. 223--Relative to providing study of weather-related school closing--By Naifeh, Henry and Cobb.

The Speaker referred House Joint Resolution No. 223 to the Committee on Education.

House Joint Resolution No. 224--Relative to congratulating Dorothy Hyder--By Miller, Scruggs, Peroulas, Davis (Knox), Drew, Severance and May.

Under the rules, House Joint Resolution No. 224 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 225--Relative to congratulating Truman C. Tucker--By Miller, Scruggs, Peroulas, Drew, Davis (Knox) and May.

Under the rules, House Joint Resolution No. 225 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 226--Relative to congratulating Reverend J.D. Jamerson--By DeBerry, Dixon, Turner, L. (Shelby), Jones, Brewer, King, and Mr. Speaker McWherter.

Under the rules, House Joint Resolution No. 226 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 227--Relative to honoring 1985 Memphis Woman of the Year recipients--By DeBerry, Dixon, Jones, King, Turner, L. (Shelby), Brewer, and Mr. Speaker McWherter.

Under the rules, House Joint Resolution No. 227 was referred to the Committee on Calendar and Rules.

### **RESOLUTIONS LYING OVER**

Senate Joint Resolution No. 71--Relative to confirming appointment, John W. "Johnny" Bellis, Jr.

The Speaker referred Senate Joint Resolution No. 71 to the Committee on Conservation and Environment.

Senate Joint Resolution No. 72--Relative to confirming appointment, Norma Crow.

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The Speaker referred Senate Joint Resolution No. 72 to the Committee on Conservation and Environment.

Senate Joint Resolution No. 73--Relative to confirming appointment, Charles E. Peavyhouse.

The Speaker referred Senate Joint Resolution No. 73 to the Committee on Conservation and Environment.

Senate Joint Resolution No. 87--Relative to commending Juanita C. Griggs.

Under the rules, Senate Joint Resolution No. 87 was referred to the Committee on Calendar and Rules.

Senate Joint Resolution No. 88--Relative to honoring Police Chief Arnold Botts.

Under the rules, Senate Joint Resolution No. 88 was referred to the Committee on Calendar and Rules.

Senate Joint Resolution No. 89--Relative to honoring the Reverend Alfred Dewayne Hill.

Under the rules, Senate Joint Resolution No. 89 was referred to the Committee on Calendar and Rules.

### **INTRODUCTION OF BILLS**

House Bill No. 1065--To exempt certain persons from wheel tax, Campbell County--By Cross and Wheeler.

Passed first consideration.

House Bill No. 1066--To set compensation, school board, Giles County--By DePriest.

Passed first consideration.

House Bill No. 1067--To authorize severance tax, Giles County--By DePriest.

Passed first consideration.

House Bill No. 1068--To regulate sale of fireworks, certain counties--By Frensley and Hobbs.

Passed first consideration.

### **HOUSE BILLS ON SECOND CONSIDERATION**

House Bill No. 1063--To provide for Charter, Lafayette.

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Passed second consideration and held without reference.

House Bill No. 1064--To provide for election, superintendent of education, Hamblen County.

Passed second consideration and held without reference.

House Bill No. 1069--To amend Local Option Revenue Act.

Passed second consideration and referred to Committee on State and Local Government.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to return to the House, House Bills Nos. 178 and 188; both signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos. 53, 99, 100, 180, 247, 273, 338, 339, 398, 569, 666, 667, 839 and 877; also, Senate Joint Resolution No. 76; all for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**SIGNED**

The Speaker announced that he had signed the following: Senate Bills Nos. 53, 99, 100, 180, 247, 273, 338, 339, 398, 569, 666, 667, 839 and 877; Senate Joint Resolution No. 76.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to return to the House, House Bill No.:

508--To require certain tests before parole eligibility; substituted for Senate Bill on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**REPORT OF COMMITTEE ON CALENDAR AND RULES**

**CONSENT CALENDAR**

MR. SPEAKER: The officers of your Committee on Calendar and

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Rules beg leave to report that we have met and set the following bills on the Consent Calendar for Monday, April 8, 1985: Senate Joint Resolutions Nos. 87, 88, 89; and House Joint Resolutions Nos. 219, 220, 221, 224, 225, 226 and 227; House Bills Nos. 192 and 165 and; House Resolutions Nos. 12 and 11.

GILL, Chairman.

### **SPONSOR ADDED**

Without objection, the rules were suspended to allow the following member to add his name as sponsor to the bill indicated below, the prime sponsor having agreed to such addition:

House Bill No. 51--Bell

### **REPORT OF COMMITTEE ON CALENDAR AND RULES**

MR. SPEAKER: Your Committee on Calendar and Rules begs leave to report that we have met and set the following bills on the Calendar for Monday, April 8, 1985: House Bills Nos. 531, 162, 146, 171, 168, 68; House Joint Resolutions Nos. 152, 157, 158; and House Bills Nos. 322, 939 and 619.

GILL, Chairman.

### **REPORT OF DELAYED BILLS COMMITTEE**

The undersigned members of the Delayed Bills Committee have approved the following bills: House Bills Nos. 1030, 1031, 1068 and 1069.

Ned R. McWherter

Jimmy Naifeh

James M. Henry

### **MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to return to the House, House Bills Nos.:

1027--To continue corporate existence, Gleason;

1052--To increase litigation tax, Knox County;

1053--To provide for election, superintendent of education, Lewis County;

1059--To regulate expenditure of certain public funds, Smith

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County; all substituted for Senate Bills on same subject and passed by the Senate.

**CLYDE W. McCULLOUGH, JR.,**  
Chief Clerk.

**MESSAGE FROM THE SENATE**

**MR. SPEAKER:** I am directed to transmit to the House, Senate Bills Nos.:

- 271--To regulate certain municipal elections;
- 604--To enact Racing Control Act of 1985;
- 683--To regulate certain compensation, utility districts;
- 906--To regulate certain county election commissions;
- 924--To exclude beer and light alcohol retailers, licensing requirements; all passed by the Senate.

**CLYDE W. McCULLOUGH, JR.,**  
Chief Clerk.

**MESSAGE FROM THE SENATE**

**MR. SPEAKER:** I am directed to return to the House, House Joint Resolutions Nos.:

- 184--Relative to congratulating Moore County High School boys' basketball team;
- 185--Relative to honoring Mr. Berlin Porter Clinard;
- 186--Relative to congratulating McMinn County High School girls' basketball team;
- 187--Relative to expressing appreciation, Most Reverend James Oglethorpe Patterson;
- 188--Relative to commending Seldon Knox McClain;
- 189--Relative to congratulating Dyersburg High School girls' basketball team;
- 190--Relative to commending Paul Bartolini;
- 192--Relative to commending Art Giles;
- 193--Relative to congratulating Humboldt High School girls' basketball team;

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194--Relative to expressing sorrow, death of Milton R. Britten;

195--Relative to proclaiming April 28-May 4, 1985, "Volunteer Fire Department/Rescue Squad Week";

199--Relative to expressing sympathy, death of Dr. Athens Clay Pullias;

203--Relative to congratulating Lara Smith; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**ENGROSSED BILLS**

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bills Nos. 351, 484, 566, 617, 710, 857, 972 and 1058; House Joint Resolutions Nos. 105, 127, 128, 205, 206, 207, 208, 209, 210, 211, 213, 214, 215, 216, 217 and 218; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,  
Chief Engrossing Clerk.

**REPORT OF CHIEF ENGROSSING CLERK**

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bills Nos. 178 and 188; for his action.

MARILYN EVELYN HAND,  
Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to return to the House, House Bills Nos. 152, 510, 800, 823 and 882; also, House Joint Resolutions Nos. 179, 181 and 182; all signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**ENROLLED BILLS**

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills Nos. 10, 37, 392, 464, 613, 653, 829,

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1027, 1051, 1052, 1053, 1054, 1055, 1056, 1057 and 1059; and House Joint Resolutions Nos. 184, 185, 186, 187, 188, 189, 190, 192, 193, 194, 195, 196, 199, 200 and 203; and find same correctly enrolled and ready for the signatures of the Speakers.

MARILYN EVELYN HAND,  
Chief Engrossing Clerk.

**SIGNED**

The Speaker announced that he had signed the following: House Bills Nos. 10, 37, 392, 464, 613, 653, 829, 1027, 1051, 1052, 1053, 1054, 1055, 1056, 1057 and 1059; and House Joint Resolutions Nos. 184, 185, 186, 187, 188, 189, 190, 192, 193, 194, 195, 196, 199, 200 and 203.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to return to the House, House Bills Nos. 10, 37, 392, 464, 613, 653, 829, 1027, 1051, 1052, 1053, 1054, 1055, 1056, 1057 and 1059; also, House Joint Resolutions Nos. 184, 185, 186, 187, 188, 189, 190, 192, 193, 194, 195, 196, 199, 200 and 203; all signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos. 281, 283, 284, 390, 496, 526, 572, 575 and 767; also, Senate Joint Resolutions Nos. 77, 82, 84, 85 and 90; all for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**SIGNED**

The Speaker announced that he had signed the following: Senate Bills SNos. 281, 283, 284, 390, 496, 526, 572, 575 and 767; and Senate Joint Resolutions Nos. 77, 82, 84, 85 and 90.

**REPORT OF CHIEF ENGROSSING CLERK**

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bills Nos. 10, 37, 152, 392, 464, 510, 613, 653, 800, 823, 829, 882, 1027, 1051, 1052, 1053, 1054, 1055, 1056, 1057 and 1059; House Joint Resolutions Nos.

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179, 181, 182, 184, 185, 186, 187, 188, 189, 190, 192, 193, 194, 195, 196, 199, 200 and 203; for his action.

MARILYN EVELYN HAND,  
Chief Engrossing Clerk.

On motion of Mr. Naifeh, the House adjourned until 6:00 p.m.  
Monday, April 8, 1985.